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and Defendant Milk Moovement, Inc. and Defendant Milk Moovement, LLC*

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA**

Case No.: 2:21-CV-02233-WBS-AC

DAIRY, LLC, a Delaware Limited Liability
Company,

Plaintiff,

v.

MILK MOOVEMENT, INC., a foreign
Corporation, and MILK MOOVEMENT,
LLC, a Delaware Limited Liability
Company,

Defendants.

**DEFENDANT AND COUNTERCLAIM-
PLAINTIFF MILK MOOVEMENT,
INC.'S UNOPPOSED MOTION FOR
ADMINISTRATIVE RELIEF**

MILK MOOVEMENT, INC., a foreign
Corporation,

Counterclaim-Plaintiff,

v.

DAIRY, LLC, a Delaware Limited Liability
Company,

Counterclaim-Defendant.

Compl. Filed December 2, 2021
Trial Date: November 7, 2023

Pursuant to Local Rule 233, Defendant and Counterclaim-Plaintiff Milk Moovement, Inc. (“Milk Moovement”) respectfully brings this Unopposed Motion for Administrative Relief to seek an order (1) requiring Milk Moovement and Plaintiff Dairy, LLC (“Dairy”) to submit separate five-page statements on May 19, 2023 setting forth their views on how Judge Shubb’s May 12, 2023 Order on Dairy’s motions to dismiss and strike Milk Moovement’s Second Amended Counterclaims (the “Dairy Motions”) affects Your Honor’s April 5, 2023 discovery rulings; and (2) scheduling a discovery conference in this action for May 24, 2023. In support of its motion, Milk Moovement states as follows:

1. At the Court’s April 5, 2023 hearing, Your Honor ruled on discovery disputes filed at ECF Nos. 242, 246, 260, 264, 268, 269, 272 and 293 and memorialized those rulings in a Minute Order on April 6, 2023. Your Honor further ordered that, if Judge Shubb ruled on the Dairy Motions during the week of May 1, both parties were to submit separate five-page statements on May 5 addressing their views of how Judge Shubb’s rulings affected Your Honor’s April 5 discovery orders. Your Honor then intended to address those submissions at the May 10 discovery conference. (Apr. 5 Hr’g Tr. 68:19-22.) Judge Shubb did not issue an order during the week of May 1, so the parties did not file those anticipated five-page submissions.

2. On May 12, Judge Shubb denied the Dairy Motions in full. (ECF 327.) In light of that order and the procedure Your Honor previously ordered, Milk Moovement respectfully submits that it would be efficient for both parties to submit those separate five-page statements by this Friday, May 19, setting forth their views on how Judge Shubb’s rulings affect Your Honor’s April 5 discovery rulings.

3. Milk Moovement further respectfully submits that the Court should then order the parties to appear before Your Honor for a discovery conference on May 24 (a date on which Your Honor previously indicated the Court was available) to address those submissions.

4. Dairy has advised Milk Moovement that it does not object to the parties submitting their five-page filings on May 19 or appearing before Your Honor on May 24.

5. Finally, Milk Moovement respectfully notes that the parties are in the process of arranging a time to confer on a proposed schedule extension in light of Judge Shubb’s order.

1 WHEREFORE, Milk Moovement respectfully requests that the Court enter the attached
2 Proposed Order (1) directing the parties to file separate five-page statements no later than May 19,
3 and (2) setting a discovery conference in this action for May 24.

4
5 Dated: May 15, 2023

Respectfully submitted,

6 **BRAUNHAGEY & BORDEN LLP**

7 By: /s/ Douglas Curran
8 Douglas Curran

9 *Attorneys for Counterclaim-Plaintiff*
10 *and Defendant Milk Moovement, Inc.*
11 *and Defendant Milk Moovement, LLC*